

Statement
of
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BEFORE THE
UNITED STATES SENATE SUBCOMMITTEE
ON
IMMIGRATION

ON
A HEARING
REGARDING
INS REFORM

THURSDAY, SEPTEMBER 23, 1999
226 DIRKSEN SENATE OFFICE BUILDING
2:00 PM

Introduction

Thank you Mr. Chairman, Senator Kennedy and Members of the Subcommittee. I am pleased to be here today to discuss the critical issue of how best to reform our current immigration structure to address current and future immigration challenges facing the nation.

In April 1998, this Administration sent you a framework for change through restructuring, last summer we sent you legislation to endorse that change, and this July, we gave you a detailed restructuring proposal for how that change could work.

I want to fundamentally change this agency, and I want your approval to move forward as soon as possible with the kind of change that will lead to improved performance.

Some have asked me why I care about this issue and am working so hard on it, since, realistically, restructuring would not become effective until the next Administration arrives. Members of the Subcommittee, you are likely to still be here in 2001 – I will not. My only stake in the restructuring debate – based on more than 20 years' experience in the immigration arena - is to try to achieve an immigration system that is best positioned both to enforce our immigration laws effectively and to continue our tradition of welcoming immigrants in the years ahead.

Today's global society is challenging this nation's immigration system as never before – from unforeseen world events such as Hurricane Mitch in Central America to increasingly sophisticated human smuggling operations to dramatic changes in our immigration laws. And we can expect more complex challenges ahead.

We have met these new challenges and goals head on and have achieved success in many areas. Let me mention just a few.

INS has had the greatest success in enforcement, particularly at the border, where we have used new resources to address longstanding enforcement challenges.

A prime example is our Southwest border enforcement strategy where we have achieved more in the past five years than has been done in decades. Five years ago, we developed a comprehensive multi-year Southwest border strategy with a clearly defined goal of deterring illegal migration, drug trafficking and alien smuggling, while facilitating legal migration and commerce.

To help us meet our goal, Congress provided funding for unparalleled growth in personnel and resources. We have doubled the number of Border Patrol agents, which stands at more than 8,000 today, and have supported them with state-of-the-art force-multiplying equipment and technology. And we have seen results.

Today, we have achieved considerable success in restoring integrity and safety to much of the Southwest border, thereby improving the quality of life in border communities. Operation Rio Grande is just one recent example of how successful deterrence works. After a concentrated effort to gain control of the border in South Texas and New Mexico was initiated in August 1997, apprehensions in Brownsville declined by 35 percent in FY 1998. This mirrors the decline in criminal activities that have accompanied INS border operations in other areas such as in Nogales and Laredo, and in San Diego, where the success of Operation Gatekeeper resulted in an 18-year low in apprehensions in FY 1998. And, as the Southwest border strategy takes hold in high traffic areas and leads to increased border activity in new locations, such as the areas of Arizona recently affected, we will respond with the same comprehensive enforcement operations to achieve similar success.

To complement the work along the border between the ports of entry, we have worked closely with other federal agencies to enhance our enforcement efforts at the ports while at the same time facilitating legal migration and commerce. Our target has been to achieve a less than 20 minute wait in our port of entry traffic lanes at least 80% of the time. From October 1998 to May 1999, we met this goal 96% of the time and we continue to build on this success at all ports of entry.

Complementing this enhanced border management is an effective approach to combating illegal immigration in the nation's interior. We have now developed and begun to implement a new interior enforcement strategy focused on the investigation of human smuggling, human rights abuses, and other criminal violations. Last November, we announced the dismantling of

the largest, most complex smuggling ring ever encountered by federal authorities. It smuggled more than 10,000 people into the United States, with organizers grossing nearly \$200 million.

We have also been successful at keeping pace with record numbers of criminal and illegal aliens coming through the system. For the fifth consecutive year, INS removed a record number of criminal and other aliens in fiscal year (FY) 1998, reflecting the agency's continuing commitment to ensuring that illegal immigrants are not only caught, but also removed from the country.

From FY 1993 to FY 1998, criminal alien removals increased by 98 percent, from 27,825 to 55,211. Such record removals and increased resources have helped INS deal with the fastest growing detention population within the Department of Justice. In FY 1998 alone, INS expanded its detention capacity by 33 percent, or 4,000 beds for an end of year total of 16,000 beds, which supported the detention of more than 160,000 individuals who spent some time in INS custody.

Success has not been limited to our enforcement function. We are also beginning to see improvement in the provision of immigrant services as a result of recent funding and our reengineering efforts.

Our top priority in the provision of these services has been revitalizing the nation's citizenship program in its entirety. In FY 1998, we opened more than 120 new fingerprinting sites in immigrant communities across the country, implemented additional quality assurance procedures to ensure integrity which repeated outside audits have validated, and expanded access of our customers to information that they need.

During this comprehensive effort to overhaul the entire naturalization process, we have maintained as our number one focus the reduction of the backlog of pending naturalization applications. With the new staff that we have brought aboard and the continued improvements in our conversion to automated processes, we have moved ahead in meeting the very ambitious goals that we have set in naturalization for this year. During FY 1999 through July, INS completed more than 942,910 naturalization applications, a 102% increase over the same period in FY 98. We have also reduced the time required to process a naturalization application from 28 months at the beginning of FY 99 to an expected 12 months by the end of September.

Indeed, from 1993-1998, 5.6 million immigrants – more than the total in the previous 30 years combined – applied for citizenship. We have been able to congratulate 3.3 million of them as new United States citizens.

The significant progress that we have made on these and other longstanding problems demonstrate that we can achieve results given the proper resources and a truly coordinated approach.

However, I am all too aware of the problems that we have at INS. Consistent, courteous and timely customer service is not uniformly provided. Mission conflict at the local operational level often impedes accountability, and the current bureaucratic chain of command hampers efficiency.

I assure you that I am and have been working to solve these and other problems, but I cannot fully succeed without the necessary structural changes that will result in a true and meaningful transformation – from a strained structure designed to deal with the smaller and more manageable workload of yesterday to a modern system equipped to meet the challenges of today and tomorrow.

Restructuring alone will not solve all of our problems but it will better position us to solve many by providing the core framework for administering the nation's immigration policy in the most effective manner possible. Restructuring will provide us with the tools necessary to achieve comprehensive change across the board, from our operational structure to the culture of our organization. It is the next step in our ongoing institutional reform.

I am committed to fundamental change that will bring about true, meaningful reform as quickly as possible, and I want to work with Congress to achieve these reforms.

The INS must change and will change. Therefore, the question before us is how to change the current immigration system to ensure that this change will improve the immigration system so as to meet tomorrow's challenges and not undermine the significant progress we have made.

And the time could not be better. We have a new workforce eager and ready to embrace the structural change that will allow them to perform more

effectively and foster the new culture of customer-oriented professional service.

Fortunately, I believe we share most core restructuring principles and structural solutions. This is critical, for we must work together to lay the foundation of the immigration system that will last far beyond this Administration and this Congress into the next century.

I know that we cannot succeed without your help and support and I look forward to reaching a final plan together.

Before discussing the Administration's proposal, let me briefly share with you the extensive research and work we have done to bring us to where we are today.

Administration Process

As you may know, two years ago, Congress asked the Attorney General and I to report back on the 1997 proposal that the Commission on Immigration Reform (CIR) prepared calling for structured changes in the nation's immigration system. The Administration's review of the CIR recommendations led to a proposal for a new framework for improving INS which I shared with you last spring.

As you may recall, the Administration's Framework for Change set forth a high level structure that fundamentally changes our immigration system to the core. It preserves one coherent immigration system while building a strengthened law enforcement operation and a new service-oriented organization by splitting enforcement and services functions into two distinct chains of command.

Since April 1998, INS has worked on providing the detail that illustrates how the INS' organizational structure would look and operate beneath the framework. In September 1998, INS formed a restructuring team in the Commissioner's Office, and hired a nationally renowned consulting firm, PricewaterhouseCoopers (PwC), to provide design support and best practices from other public and private organizations.

The Restructuring team's internal planning has been extensive and has drawn upon input from both field and headquarters staff.

Through a PwC stakeholder advisory board as well as through specific briefings, the Restructuring team also engaged in extensive consultations with INS external stakeholders, ranging from community-based organizations to trade and international business organizations to other government and law enforcement agencies. Regular meetings with staff from the Department of Justice, the Office of Management and Budget (OMB), the White House, and Congress have been ongoing to gain input and ideas.

To apply successful lessons from structures of relevant organizations for benchmarking purposes, the team extensively researched other federal law enforcement and service providing agencies, including selected state agencies and private corporations.

INS senior management and Administration reviews of this work have led to the detailed proposal, which I would now like to discuss with you.

Administration Proposal

Let me begin by saying that the Administration's proposal and the legislation you recently introduced Senator Abraham, S. 1563, seek to address the same longstanding problems and share very similar structural solutions.

Both the Administration's proposal and S. 1563 represent bold, far-reaching, non-status quo reform geared toward providing better customer service and improved law enforcement.

Both call for a clear split between enforcement and services to provide better results, improve accountability, and strengthen management of each function. And both advocate putting these two distinct functions into separate chains of command, keeping them within the Department of Justice.

Most importantly, both provide for an integrated structure to coordinate these interrelated missions. The integration of these missions lies at the heart of any restructuring and we strongly support a national coordinating structure.

While we share many structural solutions, we must also be wary of going too far with detail in legislation so that we preserve the flexibility of the immigration system to meet the unforeseen challenges ahead.

The Administration's proposal achieves each of the four primary goals that we identified at the beginning of our effort.

First, the proposal strengthens accountability by providing clear, separate chains of command for immigration services and enforcement from the top of the agency to each local manager so that these managers can be held accountable for performance and results in their area of expertise.

Second, the proposal helps achieve a culture change in customer service by providing for structural features such as remote servicing offices and for full-time positions devoted solely to ensuring consistent, courteous, accurate and timely service.

Third, the proposal builds a seamless enforcement structure that supports all enforcement activities at and between ports of entry and in the nation's interior.

Finally, and most importantly, the proposal ensures a coherent immigration system for the nation that enforces the laws at the border and in the interior as well as serves the immigrant community.

The Administration's proposed new immigration structure represents fundamental reform. In the current organization, managers and employees are frequently required to reconcile conflicting priorities at the expense of one or the other of the agency's immigration services and law enforcement missions. This proposal calls for radically transforming the current structure by creating two new mission-centered organizations – one for immigration services and one for law enforcement – each with a distinct chain-of-command but within one coherent immigration system.

The three INS regional and thirty-three district offices that have increasingly struggled with dual mission responsibilities would be eliminated and replaced with area and local offices organized in networks focused around either immigration service delivery or law enforcement.

Immigration Services

The proposed structure for Immigration Services (IS) builds upon the work that INS has already begun in its comprehensive overhaul of its benefit-granting mission in providing new customer service as reflected in the streamlined Immigration Services Division and the National Customer Service Center. The new structure is designed to achieve a culture change that will make Immigration Services a model of customer service.

Specifically, the new structure would establish a senior executive manager for Immigration Services who would be the head of the new Immigration Services chain of command and skilled in service delivery. Working with an integrated program staff organized according to specific services – family, business and trade, resident and status, and citizenship – this executive would be responsible for INS’ immigration services mission and would be held solely accountable for results.

Much like the Ombudsman position proposed in S. 1563, the proposal establishes a senior level Customer Service Advocate who reports directly to the head of Immigration Services to promote customer service throughout the agency. The Advocate would have the responsibility of ensuring that customers are treated fairly and courteously in a timely manner in local offices throughout the country. We would reinforce this newly institutionalized culture of customer service by having a national point for customer service training, the conducting of annual customer satisfaction surveys, and problem resolution.

The proposal eliminates a layer of management and creates geographic operational areas headed by directors who would report directly to the head of Immigration Services. We have ensured that the new areas are based on such factors as the location of immigrant communities to better reach and serve our customers. In addition, each of the new geographic areas contains one of the metropolitan areas that are among those with the largest volume of applications so as to better manage the workload for more timely and accurate processing.

These Area directors would oversee all local immigration services offices within their area and ensure quality, timely management of adjudications workloads as well as consistent decision-making. With clear single mission demands, the Area directors can be held directly accountable for achieving

timely performance and customer service standards within their areas. We believe that this is a more sound approach and will achieve the results we all seek rather than specifically setting out in legislation deadlines for processing.

To maximize direct service for our customers, the proposal would build upon existing offices that locate the most customer focused activities – fingerprinting, information, problem resolution, testing, adjudication services - directly in the communities to eventually establish additional local immigration offices that would report, through Area directors, to the head of Immigration Services.

In addition, the proposal would build upon the gains we have made in using economies of scale to improve service such as in the provision of remote services to our customers. The proposal would consolidate all remote operations – telephone, service, and card centers – under one director that would report to the Immigration Services executive. This director would be held accountable for these operations critical to a modern customer service organization.

Finally, we recognize the importance of adequate funding for services. We want to work with the Committee to ensure that fees are applied to processing applications which generated the fees, and to create a source of support for major immigration services projects and investments so as to lessen the need to rely on fee revenue exclusively for major expenditures.

Enforcement

To effectively enforce the nation's immigration laws, the new structure integrates all existing enforcement functions under one new chain of command. This chain is divided into geographic enforcement areas across the country based on workload and enforcement priorities such as anti-smuggling routes, and headed by law enforcement professionals responsible for monitoring performance and ensuring compliance with standard agency-wide policies and procedures. The proposal removes a layer of middle management so that the area heads report directly to the head of enforcement. This direct chain of command and full integration will allow enforcement area directors to allocate resources in response to rapid changes in criminal and illegal activities.

This full integration under one enforcement head will help address many difficulties we presently encounter in our enforcement efforts and will facilitate seamless law enforcement from the nation's borders to its interior. With one person in charge of enforcement, the structure will enhance coordination with other law enforcement agencies on comprehensive border control strategies and strengthen the ability to pursue illegal activities that cross geographic boundaries. And, with the enhanced coordination between and among ports, and with other INS enforcement entities, the ability to identify and break large-scale criminal enterprises will increase.

As our border enforcement efforts become even more successful and the smuggling of illegal aliens become more sophisticated, we cannot overlook the importance of immigration inspectors in our enforcement efforts. One of the places where we differ with S. 1563 is with the placement of the inspections function. The Administration believes that inspectors are an integral part of INS enforcement mission, and while acknowledging the multi-faceted role they serve, we believe there are compelling reasons for keeping inspectors in the enforcement chain of command.

Immigration inspectors, by virtue of their training, duties and responsibilities, and the hazards to which they are exposed, are much more closely aligned with law enforcement officers than with other types of Government inspectors. While inspectors perform crucial adjudicative functions as well, the primary reason for placing inspectors at ports of entry is to serve both as a deterrent and to enforce U.S. immigration laws which have increasingly involved criminal sanctions. In carrying out these apprehensions and detentions, inspectors use authorities given them by Congress which are characteristic of law enforcement officers.

Inspectors facilitate the entry of over 500 million people to the United States every year. In FY 1997 alone, inspectors apprehended more than 184,000 criminal aliens and originated 24,445 criminal prosecution cases. Additionally, they detained approximately 500,000 applicants who subsequently were not admitted to the United States.

And these inspectors are increasingly at risk in performing this law enforcement function. As a result of our border enforcement successes in between the ports-of-entry, we are witnessing increasing activity and sophistication of criminal organizations that profit by smuggling people, drugs, and other contraband through vehicular inspections lanes at the ports-

of-entry, commercial airports, private aircraft landing fields, and ship dockyards. The competition to funnel illegal aliens, drugs and contraband through these traditional entry points has resulted in increased violence as well. As part of their daily routine, inspectors must subdue belligerent applicants, persons resisting arrest, and persons attempting to flee when they realize they have become suspects during an interrogation at a port-of-entry.

When an inspector is charged with enforcing our nation's immigration laws, it does not mean that that individual loses the ability to treat others with respect nor loses the ability to apply immigration law fairly based on their extensive training. We ask for the same type of balance in charging police officers on the street with enforcing the laws while at the same time exercising appropriate discretion in carrying out their duties and serving the community with the proper respect, courtesy, and professionalism. While different in their duties, both are charged with more than just an expanded enforcement mission.

In short, while inspectors have various roles – whether welcoming visitors to the U.S., facilitating commerce through timely processing, or adjudicating immigrant claims – these all complement the fundamental enforcement role they serve.

Recognizing the exponential increase in the demand for detention space, the Administration's proposal would centralize the detention program at the national level to provide for better management of limited detention bed space. The proposal also recognizes our increased dependence upon the use of contracted beds to meet our detention responsibilities. As a result, the proposal provides for a national structure that ensures that uniform standards are followed, consistent practices are utilized, and INS and contracted facilities are monitored to ensure that every INS detainee is afforded the same protections and rights guaranteed by law.

Of special concern are those individuals who are detained while seeking asylum. Clearly, it is not in our interest to detain asylum seekers whose eligibility for asylum can be clearly established in the course of a credible fear interview. The Administration proposal will build on current INS efforts to address the unique situation of such asylum seekers. Structurally, the Administration proposal would maintain the current domestic asylum offices and consolidate the asylum, refugee, and humanitarian affairs

programs in immigration services. Detention would be treated as a separate entity in the enforcement chain.

The proposal also creates Community Advisory Panels at the national and area levels to provide community input regarding enforcement operations, to institutionalize a forum for public involvement, and to foster better community relationships and cooperation. This will ensure that senior management directly hear from the community as they make operational decisions, and will better educate our personnel in the field of the concerns unique to a particular community as they carry out an enforcement mission.

In short, the proposed integrated enforcement structure is designed to meet the needs of a modern, professional law enforcement agency that can manage the complexities of immigration law and crimes that often extend far beyond our boundaries while upholding the civil rights of all individuals.

Support Structure

Separate and apart from the coordinating structure at the top, the Administration's proposal, like S.1563, provides for a unified support operations structure that would handle support needs such as a records and national file center, training and human resource functions, automation, data support and technology, and administrative support.

The importance of a unified, responsive support operations structure cannot be overstated.

Just taking into account the millions of records alone that we handle, we do not believe our daily business can be done without a support structure dedicated solely to meeting the needs of both enforcement and services chains of command. Currently, we maintain more than 25 million immigrant files. Each contains the documentation required to ascertain an individual's immigration history with the United States, including both enforcement and benefit matters. These files must be complete and must be readily available whether to an adjudicator in Immigration Services or an investigator in Enforcement Operations.

The Service's chronic problems surrounding "lost" files are finally being addressed with the opening of an automated, centralized National File

Center in November. A new structure needs to strengthen these long overdue improvements and I believe our proposal does just that.

Coordination

Most significantly, both the Administration's proposal and S. 1563 recognize the need for an overall integrating structure managed by one full-time, senior appointed official who will be the policy voice for immigration and directly responsible and accountable for both immigration services and enforcement operations. This would allow the government to maintain the crucial balance between the inextricably linked immigration enforcement and immigration services that is needed for a coherent national immigration policy and system and effective application of immigration law.

For instance, the nation's immigration laws determine the legal status of all non-citizens in the United States. The laws outline how those who are here unlawfully can obtain legal status and how those here legally can lose that status. Because these processes are intertwined in statute and practice, assigning them to separate entities with no coordination would fragment and weaken the government's ability to fairly and effectively administer immigration laws.

And, in this day of rapidly changing events that can play out before the world in real time, a single voice for United States immigration policy that can respond quickly and decisively on immigration matters is critical.

That is why we would establish a structure with one person reporting to the Attorney General and the Deputy Attorney General with a number of functions at the national level in such critical areas as legal representation, policy, financial management, professional responsibility and review, and Public Affairs and Congressional Relations, yet still provides for complete separation of enforcement and services from national offices down to the field offices. And, to ensure accountability and policy consistency, we believe this official should be the only Senate-confirmed appointee in the immigration system.

The need for broad-level overarching coordination is also important in ensuring that what would be a relatively small Immigration Services organization receives the priority and resources necessary to do its job within the larger law enforcement missions of the Department of Justice.

We believe that one chief financial officer will best help facilitate proper resource coordination.

Separate and apart from high-level integration, operational coordination is also key and must be accounted for in separating the two missions into two chains of command. Let me use just one key example.

And, as I alluded to earlier, as INS has increased its enforcement effectiveness in its border control, interior enforcement and criminal alien removals, there has been a corresponding increase in the number of individuals resorting to fraudulent means to enter and remain in the United States. Stopping benefit fraud requires close coordination between enforcement and services.

On a daily basis, INS adjudicators in service centers and local offices review thousands of applications and other supporting documents. In the course of their adjudication work, they often detect suspected fraudulent documents and suspect applications. The service centers and local offices refer suspect applications and petitions to the appropriate district office for analysis and consideration for investigation. Immigration Services employees also develop general intelligence information about patterns of fraud and possible groups or individuals involved.

INS Special Agents working with the service center or local office review the information referred by immigration services employees. Once an investigation is initiated, special agents complete all necessary fieldwork on the case through prosecution if necessary, and report the results to the appropriate immigration services office for completion of the adjudication action. Special agents and intelligence analysts also compile intelligence information from various service centers and local offices into plans containing strategies and tactics to maximize future investigations of benefit fraud.

Benefit fraud investigations and resulting fraud reduction efforts would suffer from constant challenges and competing priorities if the two interrelated missions were completely split.

In short, the Administration proposal carefully balances the need to eliminate potential mission conflict at the day-to-day operational level while recognizing that the missions are complementary and both must be

considered where immigration policy and the national interest are involved. I urge the Subcommittee to ensure that final restructuring legislation includes this vital integrating structure.

Conclusion

We live in an era of large-scale immigration and increasing international migration pressures. We need greater, not less, cohesion and stronger consolidation and interaction among functions, in order to serve the broad public policy needs of our time.

How to organize immigration governance has been debated for more than 100 years as a response to problems in the immigration bureaucracy that transcend particular administrations or historical periods. This Administration's proposal represents fundamental reform that will strengthen the immigration system. We should not let the frustration we share lead us to weaken our institutions and our ability to carry out responsibilities in both enforcement and benefit-granting that are mutually reinforcing, not fundamentally incompatible.

Mr. Chairman, I look forward to working with you and other members of Congress in moving forward to restructure INS to bring much needed reform to our immigration system in a manner that best serves the nation. Thank you.